

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

DOLGENCORP, LLC

and

Case 14-CA-223328

**UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 655**

**RESPONDENT, DOLGENCORP, LLC'S
RESPONSE TO MOTION FOR SUMMARY JUDGMENT**

COMES NOW Respondent Dolgencorp, LLC (hereinafter “Dollar General” or “Respondent”), through its undersigned counsel, in response to the Notice to Show Cause issued by the National Labor Relations Board on August 7, 2018, hereby responds Counsel for the General Counsel’s Motion for Summary Judgment pursuant to Section 102.24 of the Board’s Rules and Regulations, in the above-captioned matter.

As outlined in the General Counsel's pending Motion for Summary Judgment, and the voluminous documents attached as Exhibits thereto, Respondent contests the certification issued in Case No. 14-RC-209845, and is not abandoning the issues raised therein. In that regard, Respondent incorporates by reference herein Exhibit Nos. 4, 9, 10, 14 and 22 to the General Counsel's Motion for Summary Judgment. As outlined in those Exhibits, Respondent asserts that the Union, including by and through its representatives and agents, unlawfully threatened and coerced eligible voters. The Union’s unlawful conduct created an atmosphere of fear and coercion and interfered with the laboratory conditions necessary to conduct a free and fair election. As such, the Regional Director’s Decision and Certification of Representation was improper because the election results in the RC case were tainted and thus invalid, due to the

underlying unlawful conduct of the Union. Respondent further contends that the Board erred in denying Respondent's Request for Review of the Regional Director's Decision and Certification of representative, for the reasons outlined in that Request for Review. Accordingly, the Union is not the exclusive collective-bargaining representative of the Unit, and therefore Respondent has no obligation to recognize and bargain with the Union.

WHEREFORE, Respondent requests that the General Counsel's Motion for Summary Judgment be denied, and the Complaint be dismissed in its entirety.

Dated: August 23, 2018

Respectfully submitted,

/s/ Michael E. Lignowski

Joseph C. Ragaglia

Michael E. Lignowski

Morgan Lewis & Bockius, LLP

1701 Market Street

Philadelphia, PA 19103

215.963.5455

Attorneys for Respondent

Dolgencorp, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Respondent, Dolgencorp, LLC's Opposition to Counsel for the General Counsel's Motion for Summary was served this 23rd day of August, 2018, upon the following via electronic mail:

Janine Martin, Esquire
Hammond Shinnors
13205 Manchester Road
Suite 210
Saint Louis, MO 63131
jmartin@hammondshinnors.com

Bradley A. Fink
Field Attorney
NLRB Region 14
1222 Spruce Street
Room 8.302
Saint Louis, MO 63103-2829
bradley.fink@nrlb.gov

/s/ Michael E. Lignowski